

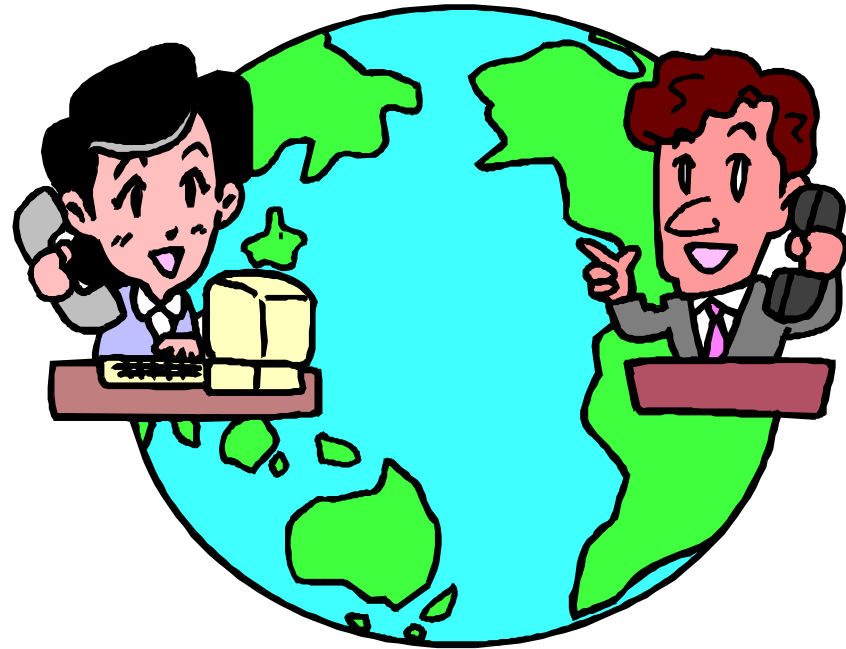
Special Education Compliance in Secure Care



- ⌘ **FAPE**
- ⌘ **Child Find**
- ⌘ **Records**
- ⌘ **Confidentiality**
- ⌘ **Annual Notice**

Child Find in Secure Care

- ★ To ensure correctional educators are aware of child find/student screening responsibilities
- ★ To ensure students with suspected disabilities are identified and evaluated



Child Find Requirements

Federal Law:

20 U.S.C. 1412 (a)(3)

Federal Regulations:

34 CFR 300.125

34 CFR 300.220

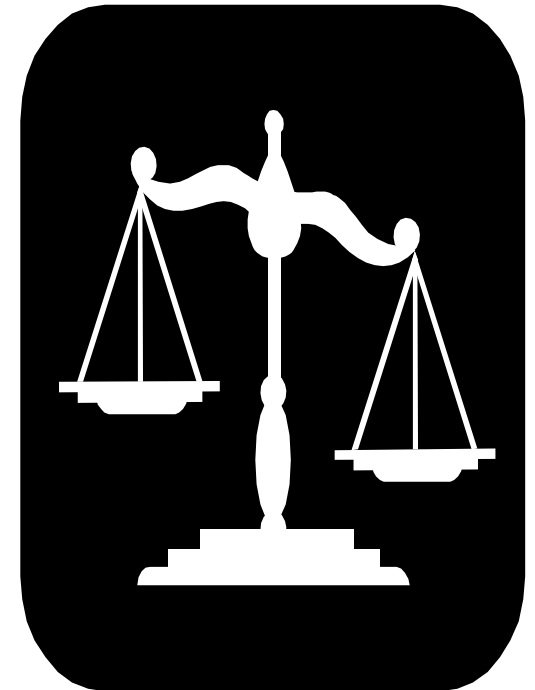
State Law:

ARS 15-761.31

ARS 15-828

State Rules/Regulations:

R7-2-401 (B-C)



Steps for Child Find



Locate



Identify



Evaluate



Public Awareness



Each PEA shall establish, implement, and disseminate to its school-based personnel and all parents, within the public agency boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, aged birth to 21. (see brochure)



Each PEA will require all school-based staff to review the written procedures related to child identification and referral on an annual basis. The public agency shall maintain documentation of staff review.



(R7-2-401 C)

12/3/2001

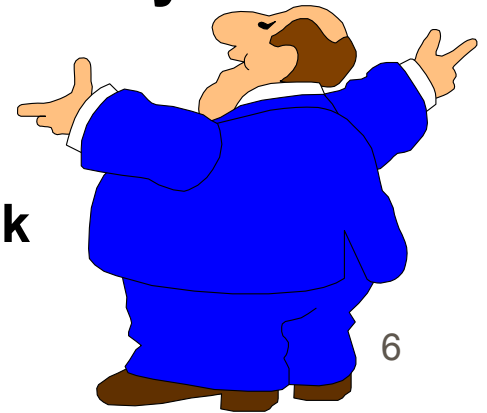
Public Awareness

Increase Community Awareness of Child Find Process

Before any major identification, location or evaluation activity, notice to parents or adult student must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents or adult student throughout the State of the activity.300.561 (b)

- ⌞ **Include information in the student/parent handbook**
- ⌞ **Post brochures through out the school.**

12/3/2001



Screening Requirements

- ⌘ Identification (screening for possible disabilities) shall be completed within **45 calendar days** of (R7-2-401 C (5))
- ⌘ **Any new student** enrolling without appropriate records of screening, evaluation, or progress in school **or**
- ⌘ Notification to the PEA by **the parents or adult student** of concerns regarding developmental or educational progress by their child aged 3 through 21.
- ⌘ **Areas to be screened:**
 - pre-academic/academic skills
 - communication skills
 - vision and hearing
 - motor skills
 - adaptive development
 - emotional/behavioral skills



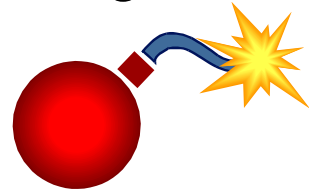
Records Request ARS 15-828

⌘ Prior school records must be requested on **ALL** students who arrive without sufficient records to age 22.



Records Request (ARS 15-828).

- ⌘ School requests records from prior school within **5 school days** on all students.
- ⌘ Sending school had **10 school days** to release records from the date of request.
- ⌘ **Parent permission is not required.**
- 📖 Upon receipt of prior records, review file for “red flags”:
 - > prior receipt of special education services
 - > history of poor educational progress
 - > history of absences, numerous schools attended



{Note: If any ‘red flags’ are noted, refer student to the pre-referral team for interventions}

Review of Prior Records

- ⌘ When a student enrolls or transfers to another school, review the enrollment data and education performance in the prior school to determine if there was a history of special education.

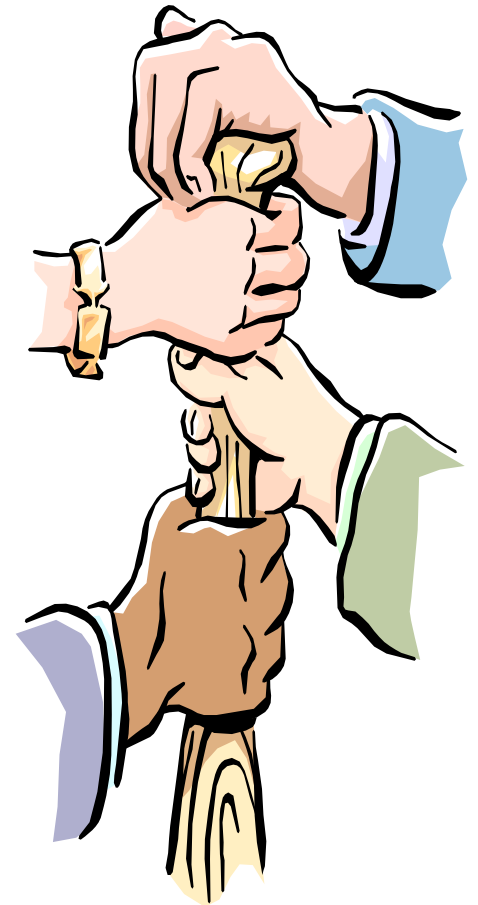


- ⌘ If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. (R7-401-2 (7))

Notification of Concern

If a student is identified through the screening procedures or through a review of records, the PEA shall notify the parents or adult student of the concern within **10 school days** to inform them of the PEAs procedures to follow up on the student's needs.

(R7-401-2 (8))

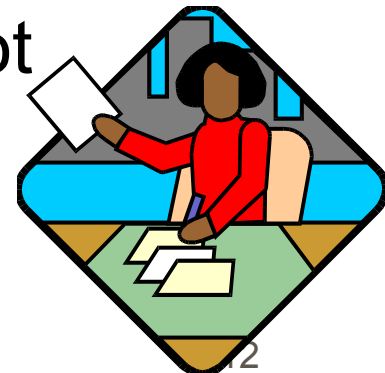


Screening Documentation

Each public agency shall maintain documentation of the identification procedures utilized, the dates of entry into the school or notification by parents or adult student, and the dates of the screening.

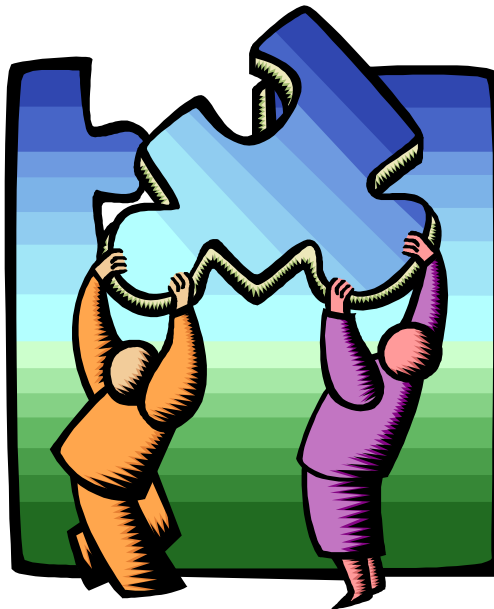
The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator

R7-401-2 (9).



From Screening To Evaluation

- ⌘ If the identification process **indicates a possible or suspected disability**, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services within the 45 day timeline.



Student Already Identified as Special Education

After a review of student records, it is determined a student has

- an Evaluation Report and/or
- MET (Multidisciplinary Evaluation Team) Report determining eligibility and/or
- Current or expired IEP (Individualized Education Plan)

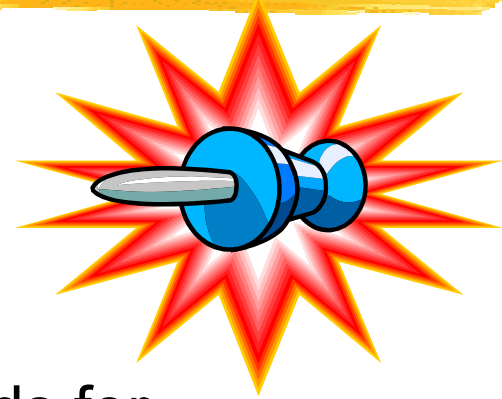
Conduct and document an MET meeting to determine how to proceed.

- ✦ If existing data are insufficient, gather and document any additional data required (obtain consent from parent if more assessments are required) and re-convene MET Team.
- ✦ If existing data are sufficient (e.g. current IEP), summarize the MET meeting discussing any revisions/modifications to the IEP or implementation of the IEP as written.

CAUTION



Remember...



If a PEA uses prior special education records for delivery of special education and related services, evaluation and eligibility determination for special education placement, **it accepts total responsibility for compliance of those prior documents.**

Timeline for Evaluation and Placement:

- ☑ Once a student is referred for an evaluation and parent or adult student signs consent for assessment, the PEA has **60 days** to complete a full and individual evaluation and determine eligibility for special education and related services.
- ☑ If a student is found eligible for special education and related services, the public school has **30 days** to develop and implement an IEP.
- ☑ If a student enters and has a current or expired IEP, then services must accept (if current) or develop (if expired, a new IEP within a short time after a student is enrolled in the PEA (**normally, within one week**))



Evaluation Not Warranted

If, after consultation with the parent or adult student, the responsible PEA determines that a full and individual evaluation is **not warranted**, the PEA shall provide prior written notice (PWN) and procedural safeguards notice (PSN) to the parent or adult student within **60 calendar days**.

R7-401-2-(C) (11)



Exemptions to FAPE - Students with Disabilities in Adult Prisons - 300.311 (a)

⌘ Except as provided in 300.122 (a)(2)(ii), the obligation to make FAPE available to children with disabilities **does not apply** with respect to students aged 18-22 to the extent the State law does not require that special education and related services under Part B of the Act to be provided to students with disabilities who in the past educational placement prior to their incarceration in an adult correctional facility

- ☑ (1) Were not actually identified as being a child with a disability under 300.7
- ☑ (2) Did not have an IEP under Part B of the Act.

Confidentiality

- ⌘ Federal Law guarantees privacy and confidentiality of all education records for all students.
- ⌘ Parents and adult students are guaranteed the right to inspect their records.
- ⌘ Three laws protect special education records:
 - ☒ Federal Education Rights and Privacy Act (FERPA)
 - ☒ Requires schools to protect the confidentiality of all students' education records while also affording parents the right to inspect their child's records
 - ☒ The Individuals with Disabilities Education Act (IDEA)
 - ☒ Guarantees additional confidentiality protection for students with disabilities
 - ☒ Section 504 of the Rehabilitation Act of 1973

Parent or Adult Student Rights Regarding Confidentiality

⌘ Right to

- ☑ inspect and review records within 45 days of the date the PEA receives a request for access.
- ☑ obtain copies of the records.
- ☑ be informed of all types and locations of records being collected, maintained and used by the PEA.
- ☑ ask for an amendment of any record on the grounds that is found inaccurate or misleading, or that violates privacy rights.
- ☑ Restrict access to their education records by withholding consent to disclose records with one exception that permits disclosure without consent to school officials with legitimate educational interests
- ☑ be informed before information in their file is to be destroyed.
- ☑ File a complaint with the US Department of Education concerning failures by the PEA to comply with FERPA.

Educational Records

⌘ Storage of Records

- ☑ All original educational records are maintained for five years from the time a student withdraws, transfers, or graduates.
- ☑ School copies are provided to teachers and service providers at the school in a locked cabinet.
- ☑ No special education records should be kept in the student's permanent folder.
- ☑ Each folder/file containing special education records must have an access sheet.

Questions?

⌘ Contact ADE/ESS:

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